App. F. IX-4

1940

193 .
( )

File No. 200-40

Serial Nos. 1-2

Previous References

Ch. 228-39(1-2)
" 17-38(5-6)

Cont.

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two and 1

Part B for March 41

SUBJECT.

Procedure to be followed in regard to letters of request commissions and summonses for foreign countries.

WD 0573—GPB—22,500—12-9-39

B.B. Chamberlain
31-3-41

1944 / 971

General and Revenue Secretariat	File No.	of 194	[App. F. III-2

Serial No.

From
The Secretary to the Hon'ble the Resident
NO R7 665 Dy 11.2.41

Forwards a Copy of a letter from Govt of India Communication Dy 16.1.41 re. the procedure to be followed in regard to letters of requests etc

J

As an former arrangement, copies may be sent to Hon Court

A draft is also put up

Govt 14/2

3
14/2/41

To the Resident. High Court
NO P. 4780 Dy 17.3.41
Forward copies of the Communications received from the Residency -

B

TYPING SECTION
14 MAR. 1941
GEN. & REV. SECTT.

NOTE—Contn. Sheet.

No. F.420(5)-G/39.

From

The Under Secretary to the Government of India in the External Affairs Department,

To

1. The Chief Secretary to the Government of Bombay, Political and Services Department.
2 " " " Bengal.
3 " " " the United Provinces.
4 " " " Punjab.
5 " " " Bihar.
6 " " " the Central Provinces and Berar.
7 " " " Assam.
8 " " " the North-West Frontier Province.
9 " " " Orissa.
10. " " " Sind.
11. The Hon'ble the Agent to the Governor General, Resident and Chief Commissioner Baluchistan.
12. The Chief Commissioner Coorg.
13. " " Delhi.
14. " " Ajmer-Merwara.
15. " " Panth Piploda.
16. The Resident in Kashmir (for Gilgit).
17. The Political Officer in Sikkim.

Dated New Delhi, the 20th July 1940.

Service of Documents and taking of Evidence in Foreign countries on Behalf of Courts in India.

Sir,

In continuation of the letter/Memorandum from the Government of India in the External Affairs Department No. F.420(5)-G/39, dated the 27th February 1940, I am directed to forward, for the guidance of all Courts, a copy of the correspondence noted in the margin.

1. Letter from the Government of Madras, No. 4114 G-1 dated the 14th February 1940.
2. Letter to His Majesty's Consul-General, Bangkok, No.D.1103-X/40, dated the 24th February 1940.
3. Letter from --- do --- dated the 15th April 1940.

() To Nos. 8,11,16 and 17 only.

(2. In so far as this communication relates to Indian States it has been issued under the authority of the Crown Representative.)

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- A.J. Courtney.

for Under Secretary to the Government of India.

Copy of letter No. 4114 G-1., dated the 14th February 1940, from the Secretary to the Government of Madras, to the Secretary to the Government of India, External Affairs Department.

SUMMONS-Service in Thailand (Siam)-Procedure.

Reference: Your letter No. F.217(14)-X-39, dated 8th January 1940

.....

I am directed to say that the Hon'ble the Judges of the High Court of Judicature at Madras have stated that it is not possible to ascertain what exactly the requirements of the Thai Ministry of Justice are, relative to the service of summons issued by foreign courts. Summons issued by British Indian Courts are in duplicate-the original on which the recipient acknowledges the receipt of the summons and a copy which is kept by him for his use. I am to enquire whether the Thai authorities require the notice or certificate mentioned in the Consul General's letter merely in place of the original referred to above, a copy of the summons being forwarded as usual for service on the - defendant or whether their objection is also to the service of the copy.

I am further to enquire whether any particular form is prescribed by the Thai authorities for the notice or certificate and, if so, what that form is

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Copy of letter No. D.1103-X/40, dated the 24th February 1940, from the Additional Deputy Secretary to the Government of India in the External Affairs Department, to His Majesty's Consul-General, Bangkok

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Service of summons on Abdul Razack Saib and Abdul Kareem Saib of Bangkok.

I am directed to forward a copy of the marginally noted communication with the request that, if there is no objection, the Government of India may kindly be supplied with the information asked for by the Madras Government.

Letter from the Government of Madras, No.4114.G.1., dated the 14th February 1940.

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Copy of letter dated the 15th April 1940, from the British Consulate-General, Bangkok, to the Secretary to the Government of India, External Affairs Department, Simla.

I have the honour to invite reference to your letter No.D. 1103-X/40 dated the 24th February 1940, and to the enclosure therein regarding the procedure which the Thai Ministry of Justice has requested may be followed in the transmission of applications from Courts in British India for the service of writs in Thailand.

2. This question has been referred for elucidation to the Thai Ministry of Justice through the Thai Ministry of Foreign Affairs, and a reply has now been received through the same channel to the following effect :-

a. Applications from British Indian Courts for the service of writs in Thailand should in future be supported, not by the original summons nor by a copy thereof. Neither of these documents is required. It is requested that such applications be accompanied instead by a Notice or Certificate issuing from the Court concerned to the effect that the writ in question has been issued.

b. No particular form is required for such Notice or Certificate.

3. I have the honour to request that the competent authorities in India may be informed in the sense of this reply to their recent inquiry.

Rd 1340

SECY. LAW DEPT. 10 APR 1940 GOVT OF MYSORE

The Office of the Hon'ble the Resident in Mysore,
Dated Bangalore, the 16th August 1940.

No.R.F.665-39/Judl.

Copy forwarded with compliments to the Government of His Highness the Maharaja of Mysore, Law Department, Bangalore, for information, in continuation of endorsement from this Residency No.R.F.665-39/Judl., dated the 4th April 1940.

By order, etc.,

SECRETARY TO THE RESIDENT.

This may be kept in suspense till receipt of a further report. No mention has been made of Judicial Note

4712-340 Pol 2139

P Cb. 200-40-1

SECY. LAW DEPT. 12 FEB. 1941 GOVT OF MYSORE

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Dated Bangalore, the 11th February 1941.

13 FEB. 1941 Cb

No.R.F.665-39/Judl.

13/2/41

A copy of the undermentioned paper is forwarded with compliments to the Secretary to the Government of His Highness the Maharaja of Mysore, Law Department, Bangalore, for information, in continuation of endorsement from this Residency No.R.F.665-39/Judl., dated the 16th August 1940.

By Order, etc.,

P.K. Narayanaswami

For SECRETARY TO THE RESIDENT.

Letter from the Government of India in the External Affairs Department to Provincial Governments etc., No.F.134(5)-G/40, dated the 16th January 1941.

RNS)

Copy of a letter No.F.134(5)-G/40, dated the 16th January 1941, from the Under Secretary to the Government of India in the External Affairs Department, to the Provincial Governments, etc.

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Procedure to be followed in regard to Letters of Request, Commissions and Summonses for foreign countries.

In continuation of the letter from the Government of India in the External Affairs Department No.F. 420(5)-G/39, dated the 20th July 1940, I am directed to request that the following alteration may be made in the Supplementary Memorandum on the above subject forwarded with the circular letter from the Government of India in the Home Department No.11/9/37-Judicial dated the 26th November 1938:-

Pages 2 and 3 Item Thailand

For the words "the International Court at Bangkok" in the first sentence in paragraph (1) and the concluding sentence in paragraph (2) the following

words

words should be substituted:-

"the High Court of the Justice,
Bangkok"

---:oOo:---

" C O P Y "

P. N. Narayanaswami

SUPERINTENDENT, RESIDENT'S OFFICE.

RNS)

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

(1) Letter No 7 420(1)-9-39 dt 20.7.40 from the Govt of India

(2) Letter No 7 119(5)-9.40 dt 16.1.41 from Govt of India to principal courts

The Registrar
High Court

Sir

In continuation of this letter No P 748/CS 288.39-2 dt 23.5.40. I am directed to forward herewith a copy each of the marginally noted Communications received from the Residency re. the procedure to be followed in regard to Letters of Request, Commissions and Summonses for foreign Countries.

I have the
3

for Secy to Govt
Judl Dept

WD 03603—GPB—15,000—8-7-35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. P 4700 Sec 2

Dated, Bangalore, 18 March 1941

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.

Law Department.

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

In continuation of this office letter No.F.7481/Cts. 223-39-2 dated 23rd May 1940, I am directed to forward herewith for information a copy each of the marginally noted communications received from the residency regarding the procedure to be followed in regard to letters of request, commissions and summones for foreign countries.

1. Letter No.F.420(5)-9-39 dated 20th July 1940 from the Government of India.
2. Letter No.F.134(-)-G.40 dated 16th January 1941 from the Government of India to Provincial Governments.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department.

mk. 2